

## COMMITTEE REPORT

### MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1260, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, line 12, after "a" insert "person who pleads guilty to a".
- 2           Page 1, line 13, after "35-50-2-7" delete "." and insert "if the
- 3           following conditions are met:
- 4               (1) The prosecuting attorney consents.
- 5               (2) The person agrees to the conditions set by the court."
- 6           Page 2, line 1, after "(c)" insert "For a judgment of conviction to
- 7           be withheld under subsection (a), the court, the prosecuting
- 8           attorney, and the person must all agree to the conditions set by the
- 9           court under subsection (a).
- 10          (d) The court, after a hearing, may enter judgment of conviction
- 11          as a Class D felony if:
- 12               (1) the person violates a condition set by the court under
- 13               subsection (a); or
- 14               (2) the period that the conditions set by the court under
- 15               subsection (a) are in effect expires before the person
- 16               successfully completes each condition.
- 17          (e) The court shall enter judgment of conviction as a Class A
- 18          misdemeanor if the person fulfills the conditions set by the court
- 19          under subsection (a).
- 20          (f) The withholding of a judgment of conviction under this
- 21          section does not affect the application of the license suspension

1 **requirements of IC 9-30-5-10.**

2 **(g) For purposes of IC 9-30-5-10, the court shall recommend the**  
 3 **suspension of a person's license at the time the court accepts the**  
 4 **person's guilty plea.**

5 **(h)".**

6 Page 2, delete lines 4 through 39, begin a new paragraph and insert:

7 "SECTION 3. IC 35-50-2-7, AS AMENDED BY P.L.188-1999,  
 8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2003]: Sec. 7. (a) A person who commits a Class D felony  
 10 shall be imprisoned for a fixed term of one and one-half (1 1/2) years,  
 11 with not more than one and one-half (1 1/2) years added for  
 12 aggravating circumstances or not more than one (1) year subtracted for  
 13 mitigating circumstances. In addition, he may be fined not more than  
 14 ten thousand dollars (\$10,000).

15 (b) Notwithstanding subsection (a), if a person has committed a  
 16 Class D felony, the court may enter judgment of conviction of a Class  
 17 A misdemeanor and sentence accordingly. However, the court shall  
 18 enter a judgment of conviction of a Class D felony if:

19 (1) the court finds that:

20 (A) the person has committed a prior, unrelated felony for  
 21 which judgment was entered as a conviction of a Class A  
 22 misdemeanor; and

23 (B) the prior felony was committed less than three (3) years  
 24 before the second felony was committed;

25 (2) the offense is domestic battery as a Class D felony under  
 26 IC 35-42-2-1.3; **or**

27 (3) the offense is ~~auto theft (IC 35-43-4-2.5); or possession of~~  
 28 **child pornography (IC 35-42-4-4(c)).**

29 ~~(4) the offense is receiving stolen auto parts (IC 35-43-4-2.5).~~

1       The court shall enter in the record, in detail, the reason for its action  
2       whenever it exercises the power to enter judgment of conviction of a  
3       Class A misdemeanor granted in this subsection."

4       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1260 as reprinted February 11, 2003.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 9, Nays 2.

---

**Bray**

**Chairperson**